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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,298	03/04/2002	Paul Jackson	BA1525-690/011056	6649
7590	10/06/2004		EXAMINER	
Mark G. Kachigian Head, Johnson & Kachigian 228 West 17th Place Tulsa, OK 74119			HARVEY, DAVID E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/090,298	JACKSON, PAUL
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID E HARVEY	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 March 2002.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-6 and 8-18 is/are rejected.  
 7) Claim(s) 2 and 7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend et al. [US #6501514].

I. The showing of Townsend et al.:

Townsend et al. has been cited because it describes a digital TV receiving system comprising:

A) A "**broadcast data receiver**" for receiving digital television signals transmitted on a plurality of channel wherein the each digital television signal comprised video and auxiliary information data (explicitly) and audio data (implicitly) [e.g. note lines 51-54 of column 2];

B) A decoder that is operable on one of the received channels for separating the video data and the auxiliary information data wherein the video data can be provided to a television receiver for display on the TV's "**display screen**" [e.g. lines 54-57 of column 2];

C) A store and processor combination which operates on the separated auxiliary information data to generate, under control of a viewer operable control device, signals which are outputted for display on the "**display screen**" in combination with the video signal [e.g. lines 57-64 of column 2].

The signals derived from the separated information, e.g. those which are displayed with the video signal, comprise various forms of scheduling information which allows the viewer to select/schedule various "event" for display or recording [e.g. lines 65-68 of column 4 and lines 1-68 of column 3]. One feature that is provided by this scheduling information the ability to "link" various events whereby when the user select one TV programming event for scheduled display/reception, the viewer is provided with prompts

alerting him/her to related events which may also be selected for scheduled display/reception (e.g. subsequent episodes of a series) [i.e. lines 40-59 of column 16].

**II. Differences:**

Claim 1 differs from the showing of Townsend et al. only in that claim 1 indicates that the auxiliary information displays a "prompt"/indication for the next episode "during" or "at the end" of the first selected episode.

**III. The showing of Robbins [US #6,317,882]:**

Robbins has been cited because it illustrates that it was known to have displayed and advertisement for a subsequent episode of a TV program during the display of a first episode of the TV programs wherein, via auxiliary information provided therein, the viewer can schedule the subsequent episode for viewing/display. At the time of the next episode, a prompt/reminder is displayed on the TV screen [e.g. 52-67 of column 5].

**IV. Obviousness:**

It would have been obvious to one of ordinary skill in the art to have modified the system disclosed by Townsend et

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al. to include the addition scheduling feature shown to be desirable by Robbins. It is noted, that when the subsequent episode immediately follows the first episode, the prompt/reminder would necessarily be displayed near the end of the first episode.

3. Claims 4-6 and 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend et al. [US #6501514] for the same reasons set forth for claim 1 above. Additionally, the following is noted:

- a) With respect to claims 4 and 5: The auxiliary information of the prior art represents and EPG and therefor carries all of the scheduling information.
- b) With respect to claim 6: The reminder would have to include identifying data to enable the user to identify of what he/she is being reminded.
- c) With respect to claim 8: The examiner take Official Notice that EPG system typically include software to check/correct for overlapping events to prevent erroneous operation. It would at least have been obvious to one of ordinary skill in the art to have provided such a desirable feature in the modified system of Townsend.
- d) With respect to claim 9: The reminder is inherently a text message.
- e) With respect to claim 10: The examiner take Official Notice that it was notoriously well known in the display art in general, and the EPG art specifically, to display the overlay "transparently" to cause less interruption.

**f) With respect to claim 11:** The examiner take Official Notice that it was notoriously well known in the display art in general, and the EPG art specifically, to provide means to turn off (i.e. disable) the overlay to eliminate interruption when needed/desired.

**G) With respect to claim 12:** The examiner take Official Notice that it was notoriously well known in the TV art to have provided alerts/warning audibly too in case the viewer is not paying attention to his receiver.

**H) With respect to claim 13:** The examiner only notes that the "nearer" recitation is relative terminology; i.e. "nearer" with respect to what?

**I) With respect to claim 15:** The examiner notes that the period of display is inherently programmed into the interface and, as such, making this an adjustable "preference" of the viewer interface would have been obvious.

4. Claims 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E HARVEY whose telephone number is (703) 305-4365. The examiner can normally be reached on m-f from 6am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DAVID E HARVEY  
Primary Examiner  
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